

RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE
701 Bridger Ave
Suite 820
Las Vegas, NV 89101
(702) 853-4500

E-FILED

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
RIGOBERTO PEREZ

CASE NO: BKS-09-14888-LBR

CHAPTER 13

Hearing Date: September 30, 2010

Hearing Time: 1:30 pm

CROSBY & ASSOCIATES
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #5
COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

The Trustee herein, Rick A. Yarnall, hereby objects to confirmation of Plan and hereby represents the following:

The debtor(s) filed for Chapter 13 relief on 04/01/2009. The 341(a) Meeting of Creditors held on August 24, 2010 at 9:30 am was:

- continued to September 21, 2010 1:30 pm

The Trustee objects to confirmation of the Chapter 13 Plan for the following reason(s):

- Debtor(s) are delinquent in plan payments
- Other: Attorney to file motion to avoid lien of 2nd TD & have completed prior to confirmation hearing
- Amendment(s) to Schedule(s)/SOFA: Schedule I/J re current income and expenses; Objection to retaining rental property with negative cash flow
- The debtor(s) has failed to cooperate with the Trustee [11 USC 521 (3)] as the following document(s) were not provided:
 - Tax returns: 2009
 - Pay stubs: Nov 21, Feb 13, Mar 27
 - Bank statements: NFCU#1319 Oct, Mar
 - Other: Provide copy of Authorization Form, Information Sheet and Mortgage Statement.
- Plan - Other issues: Trustee objects to attorney's fees sought to be paid thru Plan. Attorney's fees exceed amount previously established by attorney

THEREFORE, the Trustee objects to confirmation for the foregoing reasons and recommends that this case be dismissed and that the Trustee be allowed administrative expenses in the amount of \$150.00 per quarter the case is pending.

Dated: September 10, 2010

/s/ Rick A. Yarnall

Rick A. Yarnall, Chapter 13 Trustee

CERTIFICATE OF NOTICEDistrict/off: 0978-2
Case: 09-14888User: hookssl
Form ID: pdf891Page 1 of 1
Total Noticed: 17

Date Rcvd: Sep 13, 2010

The following entities were noticed by first class mail on Sep 15, 2010.

db +RIGOBERTO PEREZ, 6596 ROSE TREE LANE, LAS VEGAS, NV 89156-7904
 4678851 +AMERICA'S SERVICING CO, ONE HOME CAMPUS, DES MOINES, IA 50328-0001
 4840671 +Beneficial, P O Box 10640, Virginia Beach, VA 23450-0640
 4587453 +Benfcl/Hfc, Acct No 6817010064, Pob 1547, Chesapeake, VA 23327-1547
 4587454 +++CAVALRY PORTFOLIO SERV (ORIGINAL CR, ACCT NO 13194898, 7 SKYLINE DR STE 350,
 HAWTHORNE NY 10532-2162
 (address filed with court: Cavalry Portfolio Serv (Original Cr, Acct No 13194898,
 7 Skyline Dr Ste 3, Hawthorne, NY 10532)
 4587455 +Christopher Hunter, Esq., 302 E. Carson Avenue, Ste. 520, Las Vegas, NV 89101-5907
 4587456 +Lvnv Funding Llc (Original Creditor, Acct No 7981924290171263, Po Box 740281,
 Houston, TX 77274-0281
 4587457 +Midland Credit Mgmt (Original Credi, Acct No 8530160109, 8875 Aero Dr,
 San Diego, CA 92123-2251
 4587458 +Quantum Collections (Original Credi, Acct No 4716044644716, 3224 Civic Center Dr,
 North Las Vegas, NV 89030-4506
 4587459 +Wilshire Credit Corp, Acct No 1538042, 1776 Sw Madison St, Portland, OR 97205-1715
 4587460 +Worldwide Asset Purcha (Original Cr, Acct No 3423320, 101 Convention Center St,
 Las Vegas, NV 89109-2001

The following entities were noticed by electronic transmission on Sep 14, 2010.

cr +E-mail/PDF: rmscedi@recoverycorp.com Sep 14 2010 02:17:37
 RECOVERY MANAGEMENT SYSTEMS CORPORATION, 25 S.E. SECOND AVENUE,
 INGRAHAM BUILDING, SUITE 1120, MIAMI, FL 33131-1506
 5247512 +E-mail/Text: resurgentbknottifications@resurgent.com LVNV Funding LLC,
 PO Box 10587, Greenville, SC 29603-0587
 4849052 E-mail/Text: resurgentbknottifications@resurgent.com LVNV Funding LLC,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 4700128 +E-mail/Text: bknotice@ncmlc.com National Capital Management, LLC.,
 8245 Tournament Drive, Suite 230, Memphis, TN 38125-1741, USA
 4671560 +E-mail/PDF: rmscedi@recoverycorp.com Sep 14 2010 02:17:37
 RECOVERY MANAGEMENT SYSTEMS CORPORATION, FOR ORION, AS ASSIGNEE OF UNIVERSITY MEDICAL CENTER,
 25 SE 2ND AVENUE SUITE 1120, MIAMI FL 33131-1605
 4671179 E-mail/PDF: rmscedi@recoverycorp.com Sep 14 2010 02:17:36
 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,
 Miami, FL 33131-1605

TOTAL: 6

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr AMERICA'S SERVICING COMPANY
 cr HSBC BANK USA
 4587452 ##+Americas Servicing Co, Acct No 1061158053496, 7485 New Horizon Way,
 Frederick, MD 21703-8388

TOTALS: 2, * 0, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Addresses marked '++++' were corrected as required by the USPS Locatable Address Conversion System (LACS).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
 will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
 debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Sep 15, 2010

Signature:

